

NOTICE OF PROPOSED RULE AMENDMENT

- The agency identified below in box 1 provides notice of proposed rule change pursuant to Utah Code Section 63G-3-301 and Subsection 53C-1-201(3)(c).
- Please address questions regarding information on this notice to the agency.
- The full text of all rule filings is published in the Utah State Bulletin unless excluded because of space constraints.
- The full text of all rule filings may also be inspected at the Division of Administrative Rules.

Agency Information

1. Agency: Environmental Quality - Air Quality
 Room no.: Fourth Floor
 Building:
 Street address 1: 195 N 1950 W
 Street address 2:
 City, state, zip: SALT LAKE CITY UT 84116-3085
 Mailing address 1: PO BOX 144820
 Mailing address 2:
 City, state, zip: SALT LAKE CITY UT 84114-4820

Contact person(s):

Name:	Phone:	Fax:	E-mail:
Mark Berger	801-536-4000	801-536-0085	mberger@utah.gov

(Interested persons may inspect this filing at the above address or at DAR during business hours)

Rule Information

DAR file no: 38673 Date filed: 07/07/2014 08:38 AM
 State Admin Rule Filing Key: 155418
 Utah Admin. Code ref. (R no.): R 307 - 202 -
 Changed to Admin. Code ref. (R no.): - -

Title

2. Title of rule or section (catchline):
 Emission Standards: General Burning

Notice Type

3. Type of notice: Amendment

Rule Purpose

4. Purpose of the rule or reason for the change:

Native American tribes conduct ceremonial burning that involves heating stones in a fire and transferring the hot rocks to a sweat lodge. This ceremonial ritual cannot be conducted under the current rule during restricted burning days. Native American tribe members have requested an exemption from the burning rule restriction to conduct this religious ceremony when conducted by a "Native American spiritual adviser", as newly defined in Rule R307-202.

Response Information

5. This change is a response to comments by the Administrative Rules Review Committee.

No

Rule Summary

6. Summary of the rule or change:

A definition for "Native American spiritual adviser" is added to the rule, and an exemption for ceremonial burning when conducted by a Native American spiritual adviser is added to the rule.

Aggregate Cost Information

7. Aggregate anticipated cost or savings to:

A) State budget:

Affected: No

Because there are no new requirements to the State of Utah in the proposed rule, there are no anticipated costs or savings to the state budget.

B) Local government:

Affected: No

Because there are no new requirements for local government, there are no anticipated costs or savings.

C) Small businesses:

Affected: No

("small business" means a business employing fewer than 50 persons)

Because there are no new requirements for small businesses, there are no anticipated costs or savings.

D) Persons other than small businesses, businesses, or local government entities:

Affected: No

("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an agency)

Because there are no new requirements for persons other than small businesses, businesses, or local government entities, there are no anticipated costs or savings.

Compliance Cost Information

8. Compliance costs for affected persons:

The proposed rule would allow ceremonial burning when conducted by a Native American spiritual adviser to be exempt from the requirements of Subsection R307-202-4(2). Therefore, there are no anticipated compliance costs for affected persons.

Department Head Comments

9. A) Comments by the department head on the fiscal impact the rule may have on businesses:

The proposed exemption to this rule does not apply to businesses; therefore, there should be no fiscal impact on businesses.

- B) Name and title of department head commenting on the fiscal impacts:

Amanda Smith, Executive Director

Citation Information

10. This rule change is authorized or mandated by state law, and implements or interprets the following state and federal laws.

State code or constitution citations (required) (e.g., Section 63G-3-402; Subsection 63G-3-601(3); Article IV) :
Section 19-2-104

Section 65A-8-211

Section 76-10-803

Subsection 11-7-1(2)(a)

Incorporated Materials

11. This rule adds, updates, or removes the following title of materials incorporated by references (a copy of materials incorporated by reference must be submitted to DAR; if none, leave blank) :

Official Title of Materials Incorporated (from title page):

Publisher:

Date Issued:

Issue, or version:

ISBN Number:

ISSN Number:

Cost of Incorporated Reference:

Adds, updates, removes:

Comments

12. The public may submit written or oral comments to the agency identified in box 1. (The public may also request a hearing by submitting a written request to the agency. The agency is required to hold a hearing if it receives requests from ten interested persons or from an association having not fewer than ten members. Additionally, the request must be received by the agency not more than 15 days after the publication of this rule in the Utah State Bulletin. See Section 63G-3-302 and Rule R15-1 for more information.)

A) Comments will be accepted until 5:00 p.m. on (mm/dd/yyyy) :

09/02/2014

B) A public hearing (optional) will be held:

On (mm/dd/yyyy): At (hh:mm AM/PM): At (place):

Proposed Effective Date

13. This rule change may become effective on (mm/dd/yyyy):

10/02/2014

NOTE: The date above is the date on which this rule MAY become effective. It is NOT the effective date. After a minimum of seven days following the date designated in Box 12(A) above, the agency must submit a Notice of Effective Date to the Division of Administrative Rules to make this rule effective. Failure to submit a Notice of Effective Date will result in this rule lapsing and will require the agency to start the rulemaking process over.

Indexing Information

14. Indexing information - keywords (maximum of four, in lower case, except for acronyms (e.g., "GRAMA") or proper nouns (e.g., "Medicaid")):

air pollution
open burning
fire authority

File Information

15. Attach an RTF document containing the text of this rule change (filename):

There is a document associated with this rule filing.

To the Agency

Information requested on this form is required by Sections 63G-3-301, 302, 303, and 402. Incomplete forms will be returned to the agency for completion, possibly delaying publication in the Utah State Bulletin, and delaying the first possible effective date.

Agency Authorization

Agency head or designee, and title:

Bryce Bird Director

Date (mm/dd/yyyy): 07/01/2014